



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2011 Biennium

<b>Bill #</b>	SB0435	<b>Title:</b>	No net gain in state land
<b>Primary Sponsor:</b>	Brenden, John	<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input checked="" type="checkbox"/> Technical Concerns   |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** There are no fiscal impacts to the state; however, there are technical concerns.

### FISCAL ANALYSIS

#### **Technical Notes:**

1. SB 435 could impact how the State Water Projects Bureau (SWPB) can acquire land—including both fee title and flood easements. Flood easements are an ownership interest in land and acquiring such easements therefore would require state Board of Land Commissioners' approval under this bill. Also, such acquisitions would necessarily result in a net gain in land ownership by the state, although the lands are not “state lands”, but rather are project works as defined in 85-1-102(7), MCA.
2. The State Board of Land Commissioners charge is to manage state school trusts lands for the benefit of educational institutions. State water projects and appurtenant lands, including flooded lands, are unrelated to the school trust.
3. In section 1(4) and throughout the bill it is noted, “Land purchases may not, to the extent that is practical, result in a net gain in land ownership by the state.” It is unknown what would be deemed “practical”.

*Sponsor's Initials*

*Date*

*Budget Director's Initials*

*Date*